

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WALTER AND VIRGINIA SALMONS,
INDIVIDUALLY AND AS NEXT FRIEND
AND GUARDIAN OF BABY W.S.;

ANTHONY ANDERSON,
INDIVIDUALLY AND AS NEXT FRIEND
AND GUARDIAN OF BABY A.L.A., ON
BEHALF OF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED;

AND HADEN TRAVIS BLANKENSHIP,
INDIVIDUALLY AND AS NEXT FRIEND
AND GUARDIAN OF BABY Z.D.B., ON
BEHALF OF THEMSELVES AND ALL
OTHERS SIMILARLY SITUATED,

PLAINTIFFS,

v.

MCKESSON CORPORATION;
CARDINAL HEALTH, INC.;
AMERISOURCEBERGEN
CORPORATION; TEVA
PHARMACEUTICAL INDUSTRIES,
LTD.; TEVA PHARMACEUTICALS USA,
INC.; CEPHALON, INC. MYLAN
PHARMACEUTICALS, INC.; JOHNSON
& JOHNSON; JANSSEN
PHARMACEUTICALS, INC.; ORTHO-
MCNEIL-JANSSEN
PHARMACEUTICALS, INC. n/k/a
JANSSEN PHARMACEUTICALS, INC.;
JANSSEN PHARMACEUTICA INC. n/k/a
JANSSEN PHARMACEUTICALS, INC.;
ENDO HEALTH SOLUTIONS INC.;
ENDO PHARMACEUTICALS, INC.;
ALLERGAN PLC f/k/a ACTAVIS PLC;
WATSON PHARMACEUTICALS, INC.
n/k/a ACTAVIS, INC.; WATSON
LABORATORIES, INC.; ACTAVIS LLC;

MDL No. 2804

Judge Dan Aaron Polster

CASE No. 1:18-op-45268-DAP

and ACTAVIS PHARMA, INC. f/k/a
WATSON PHARMA, INC., DEPOMED,
INC.; MALLINCKRODT LLC;
MALLINCKRODT PLC;
SPECGX LLC; PAR
PHARMACEUTICAL, INC.; PAR
PHARMACEUTICAL COMPANIES, INC.;
NORAMCO, INC.; INDIVIOR, INC.; CVS
HEALTH CORPORATION; RITE AID OF
MARYLAND, INC.; RITE AID CORP.;
WALGREENS BOOTS ALLIANCE, INC.;
WALGREEN EASTERN CO.;
WALGREEN CO.; WAL-MART INC. f/k/a
WALMART STORES, INC.; MIAMI-
LUKEN, INC.; COSTCO WHOLESALE
CORPORATION; H.D. SMITH, LLC; H.D.
SMITH HOLDINGS, LLC; H.D. SMITH
HOLDING COMPANY; ANDA, INC.

DEFENDANTS.

**REPLY BRIEF IN SUPPORT OF MOTION FOR LEAVE TO FILE FOURTH
AMENDED CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), counsel for NAS Plaintiffs in the above-captioned case seek leave to file a fourth amended class action complaint. The purpose of the proposed amended pleading is to bring the causes of action in line with those raised in related complaints by NAS plaintiffs in Ohio and California in order to facilitate class certification.

Federal Rule 15(a)(2) permits a party to amend a pleading with leave of court, and provides that “[t]he court should freely give leave when justice so requires.” Defendants have not shown any prejudice or harm that would result from the proposed amendment. Amendment is sought prior to class certification, and indeed, the allegations and causes of action align with related class action complaints pending in Ohio and California. By limiting the pleading to those factual and legal theories that are currently pending in other states, the case will be more

amenable to class certification and resolution, and in turn promotes judicial efficiency in resolving this complex, multifaceted matter.

In the absence of prejudice, the general rule that leave shall be freely granted when justice so requires applies, and in this case, the proposed amendment should be granted in this case.

DATED: January 2, 2020.

Respectfully submitted,

/s/ Marc E. Dann

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Counsel for Legal Guardians of NAS Children

CERTIFICATE OF SERVICE

I certify that on January 2, 2020, I electronically filed *Reply Brief in Support of Motion for Leave to file Fourth Amended Complaint*, with the Clerk of Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Marc E. Dann

Marc E. Dann (0039425)

DANN LAW FIRM